UNITED
NATIONS

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Security Council

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GENERAL

S/21183
8 March 1990

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON HIS MISSION OF GOOD OFFICES IN CYPRUS

1. The present report on my mission of good offices concerning Cyprus is being submitted pursuant to the request contained in the note by the President of the Security Council of 22 February 1990 (S/21160). In that note, I was requested to inform the Council of the results of the meeting I was proposing to hold with the leaders of the two communities in Cyprus and to give my assessment of the situation thereafter.

2. The members of the Council will recall that in my statement of 22 February 1990 I had informed them that both leaders had accepted my invitation to hold meetings for an indefinite period of time, beginning on 26 February, and to make a determined effort to arrive at an agreed outline of an overall agreement. In the above-mentioned note, the members of the Council had called upon the two leaders to demonstrate the necessary goodwill and flexibility and to co-operate fully with me so that the talks would result in a major step towards the resolution of the Cyprus problem.

3. My talks with the two leaders began on Monday, 26 February and ended on Friday, 2 March 1990. Joint meetings were held in the mornings and afternoons of the first three days, and again on Friday afternoon. Separate meetings were held with each leader on Friday morning. I was present throughout these meetings, as was my Special Representative.

4. In my opening statement (see annex I), I stressed that if we were to achieve the agreed objective, both sides should be prepared to take into account each other's concerns and be willing to harmonize their respective interests. I said that the meetings would fail if either side insisted on limiting the scope of the work to those issues that it considered important. Solutions to all issues of the Cyprus problem had to be found that were acceptable to both sides.

5. In this connection, I stated that the task of arriving at an agreed outline could be facilitated if both leaders agreed at the outset to reflect appropriately under the overall objectives of the agreement the following understandings, which I read to them in these terms:

"Cyprus is the common home of the Greek Cypriot community and of the Turkish Cypriot community. Their relationship is not one of majority and minority, but one of two communities in the State of Cyprus. The mandate given to me by the Security Council makes it clear that my mission of good offices is with the two communities. My mandate is also explicit that the participation of the two communities in this process is on an equal footing. The solution that is being sought is thus one that must be decided upon by, and must be acceptable to, both communities. It must also respect the cultural, religious, social and linguistic identity of each community.

"The 1977 and 1979 high-level agreements between the two communities, as well as the mandate entrusted to me by the Security Council, have set out the framework within which a solution must be found. The two communities and the Security Council have committed themselves to a solution that will ensure the sovereignty, independence, territorial integrity and non-alignment of Cyprus. The two communities have, in the 1979 high-level agreement, specifically rejected as options union in whole or in part with any other country and any form of partition or secession. The two communities have stated that they wish to establish a federation that is bi-communal as regards the constitutional aspects and bi-zonal as regards the territorial aspects."

6. In anticipation of their discussion of the outline of an agreement, I, inter alia, recalled the following: the political equality of the two communities in, and the bi-communal nature of, the federation need to be acknowledged; the bi-zonality of the federation should be clearly brought out; the unity of the State must be ensured; the powers and functions of the federal Government will need to ensure the effective participation of the two communities as well as the effective functioning of the Government; the fundamental rights of all citizens, including the three freedoms, as well as political, economic, social and cultural rights must be safeguarded; arrangements to ensure the security of each community need to be worked out; considerations for dealing with territorial adjustments; the need to resolve the issue of displaced persons in a manner that is sensitive to the interests of both communities; measures need to be devised to promote the development of a balanced economy benefiting both communities; and transitional arrangements will also need to be worked out.

7. Continuing, I mentioned that the headings that had emerged from earlier meetings lent themselves to the consideration of all the issues and concerns expressed by each side, and suggested that they be used as the basis for organizing the talks. These headings were:

(a) Overall objectives of the agreement;

(b) Guiding principles of the federation:

(i) Federal union;

(ii) Bi-communality;

(iii) Bi-zonality;

(c) Constitutional aspects of the federation:

(i) Powers and functions to be vested in the federal Government;

(ii) Structure, composition, and functioning of the federal Government;

(iii) Fundamental rights, including the three freedoms, and political, economic, social and cultural rights;

(d) Security and guarantees;

(e) Territorial adjustments;

(f) Displaced persons;

(g) Economic development and safeguards;

(h) Transitional arrangements.

8. I suggested that our work be organized in two parts. The first part would be devoted to a discussion of the issues under each of the headings and the second part would be devoted to the actual preparation of an outline. In the event, it did not prove possible to proceed along the lines I had suggested, for reasons I shall explain below, and that resulted in an impasse.

9. When, despite my various suggestions and appeals, the difficulties that had emerged from the very outset of the meeting on Monday morning remained unresolved on Wednesday afternoon, I proposed that we should not meet on Thursday to allow me to reflect and to weigh carefully the views expressed by both leaders. In a further effort to overcome the difficulties, I met each leader separately on Friday morning. Regrettably, no progress was possible.

10. When we reconvened in a joint meeting on Friday afternoon, I made a statement (see annex II). In that statement I recalled that paragraph 1 of Security Council resolution 367 (1975), inter alia, called upon the parties concerned to refrain from any action which might prejudice the sovereignty, independence, territorial integrity and non-alignment of Cyprus, as well as from any attempt at partition of the island or its unification with any other country. Further, paragraph 7 of the same resolution called on the representatives of the two communities to co-operate closely with the Secretary-General in the discharge of his mission of good offices and asked them to accord personally a high priority to their negotiations.

11. I stated that, in drawing up its mandate for the Secretary-General's good offices on Cyprus, the Security Council had thus posited a solution based on the existence of one State of Cyprus comprising two communities.

12. Continuing, I said that in line with the mandate entrusted to me by the Security Council and the 1977 and 1979 high-level agreements, the objective of the exercise of good offices was a new constitution for the State of Cyprus that would regulate the relations between the two communities in Cyprus on a federal,

bi-communal and bi-zonal basis. In this effort, each community would participate on an equal footing and would also have the opportunity to express separately its consent to the arrangements reached.

13. Further, I recalled that, in the course of the discussion, Mr. Denktaş had stated that the term "communities" be used in a manner that was synonymous with the term "peoples", each having a separate right to "self-determination". Mr. Denktaş also proposed certain other terms for the word "communities". I stated that, in the context of the intercommunal talks, the introduction of terminology that was different from that used by the Security Council had thus posed more than a semantic problem and that, unless acceptable to both sides, any change in terminology could alter the conceptual framework to which all had thus far adhered. In the circumstances, I came to the conclusion, regrettably, that we faced an impasse of a substantive kind, which raised questions regarding the essence of the mandate of good offices given to me by the Security Council and, therefore, regarding the basis of the talks.

14. While upon my suggestion Mr. Vassiliou and Mr. Denktaş made certain substantive comments regarding the outline of an overall agreement, these could not be pursued for the reasons I explained above.

15. In my concluding statement therefore, I again recalled the understandings I had suggested in my opening statement (see para. 5 above). I also appealed to both leaders not to say or do anything that could aggravate the situation in Cyprus, and to remain committed to finding a solution of the problem of Cyprus in the framework of the intercommunal talks. Both leaders assured me that they remained committed to this objective. I informed them that I would be in touch with them again after reporting to the Security Council and seeking its guidance.

16. On Monday, 5 March, I received a letter from Mr. Denktaş, dated 4 March 1990, in which he inter alia stated that:

> "The difficulties which confronted us during our meetings relating to the use of the word communities or peoples have not been correctly reflected in your statement. Whatever terminology is used, it is clear that the Turkish Cypriots and the Greek Cypriots are two distinct and separate peoples with the right to freely determine their political status. The insistence on use of the word community in a restrictive sense and the refusal to accept any other proposed alternative is tantamount to a rejection of this right. Security Council resolution 367 (1975) was never intended to build a conceptual framework which would restrict or take away any right of the two parties in Cyprus which they already possessed and exercised both before and after this resolution. This right will be expressed once again to transform the Turkish Republic of Northern Cyprus into one of the constituent republics of the future federation in Cyprus following the current negotiations, if they result in an acceptable solution to my people. It is only after this process that a solution based on one State in the form of a federal union comprising two peoples will have been achieved."

17. In concluding, I should like to stress that it is important that this process, in which we have been so diligently engaged, not be allowed to collapse. Despite my disappointment that it did not prove possible to advance in drafting an outline of an overall agreement, I remain of the view that a basis for effective negotiations exists provided both leaders are prepared to take into account each other's concerns and that both are willing to proceed within the framework of the 1977 and 1979 high-level agreements.

18. It will be recalled that, in those agreements, the leaders of the two communities pledged themselves to establish a bi-communal and bi-zonal Federal Republic of Cyprus that would safeguard its independence, sovereignty, territorial integrity and non-alignment and exclude union in whole or in part with any other country as well as any form of partition or secession. As I have repeatedly indicated to the parties, the solution that is being sought is one that must be decided upon by, and must be acceptable to, both communities.

19. It is important that the two leaders agree to pursue seriously the current effort in accordance with their 1977 and 1979 high-level agreements as well as Security Council resolution 367 (1975), to reach freely a solution providing for a political settlement and the establishment of a mutually acceptable constitutional arrangement and to co-operate on an equal footing with me to complete, as the next step, an outline of an overall agreement, as they had agreed to do in June 1989.

20. I, for my part, will continue to spare no effort in carrying out the mission of good offices in accordance with the mandate entrusted to me by the Security Council and shall assist the two communities to arrive at an agreed solution by helping them to find ways of harmonizing their respective interests and concerns.

21. I thought it important to report to you in some detail about what transpired last week to help you to assess the situation and to provide me with such guidance as you might consider appropriate.

Annex I

Opening statement delivered by the Secretary-General on Monday, 26 February 1990, at 12.15 p.m.

I am pleased to welcome you once again to the Headquarters of the United Nations. As you know, the objective of our meeting is to prepare a draft outline of an overall agreement as you had agreed to do when we met on 6 April and again on 29 June 1989.

The world today is very different from what it was when we last were together. We are witnessing changes that not long ago were unthinkable. These events have created both the expectations and the conditions for the resolution of problems that were thought to be intractable. As a result, leaders throughout the world are now encouraged to look at problems anew and to move forward with a degree of confidence and determination not seen since the foundation of the United Nations. Recent developments have shown that disputes can be resolved if problems are addressed reasonably and with goodwill, and if attention is paid to the legitimate concerns and interests of all the parties involved. The Cyprus problem should not be an exception.

The international environment in which this meeting is taking place has heightened the expectations about what it should achieve. This is clearly reflected in the position expressed a few days ago by the members of the Security Council that these talks should result in a major step towards the resolution of the Cyprus problem. I believe that this can be accomplished provided both leaders are prepared to reach a solution.

If we are to achieve the objective of our meeting, both sides must be prepared to take into account each other's concerns and be willing to make a joint effort to find a way to harmonize their respective interests. This meeting will fail if either side insists on limiting the scope of the work only to those issues that it considers important. The Cyprus problem cannot be solved through a selective approach of the issues involved. Solutions acceptable to both communities must be found for all those issues. This calls for both moderation and a willingness to reach a mutually acceptable agreement, for it is your joint responsibility, as the leaders of the two communities, to arrive at an agreed outline through direct talks. My responsibility, emanating from the Security Council, is to help you achieve this objective.

The three rounds of talks since August 1988 have clearly identified the issues that comprise the Cyprus problem and the ramifications of these issues. The ground has thus been prepared for addressing unequivocally all the issues, including the understandings that underlie a solution.

* * *

Cyprus is the common home of the Greek Cypriot community and of the Turkish Cypriot community. Their relationship is not one of majority and minority, but one of two communities in the State of Cyprus. The mandate given to me by the Security Council makes it clear that my mission of good offices is with the two communities. My mandate is also explicit that the participation of the two communities in this process is on an equal footing. The solution that is being sought is thus one that must be decided upon by, and must be acceptable to, both communities. It must also respect the cultural, religious, social and linguistic identity of each community.

The 1977 and 1979 high-level agreements between the two communities, as well as the mandate entrusted to me by the Security Council, have set out the framework within which a solution must be found. The two communities and the Security Council have committed themselves to a solution that will ensure the sovereignty, independence, territorial integrity and non-alignment of Cyprus. The two communities have, in the 1979 high-level agreement, specifically rejected as options union in whole or in part with any other country and any form of partition or secession. The two communities have stated that they wish to establish a federation that is bi-communal as regards the constitutional aspects and bi-zonal as regards the territorial aspects.

The task of arriving at an agreed outline could be facilitated if both leaders agreed to reflect these understandings appropriately in the section of the outline concerning the overall objectives of the agreement, a subject with which I shall shall deal shortly.

* * *

An outline of an overall agreement, and therefore this meeting, must cover all the issues that make up the Cyprus problem. As you will recall, in our separate meetings last November and December, I had asked you to agree to the headings that had clearly emerged from your talks. These headings lend themselves to the consideration of all the issues and concerns expressed by each side, and thus provide a good basis for organizing our work.

Since August 1988, you have had the opportunity to exchange ideas that are relevant to each of the headings. When we last met on 29 June 1989, I referred to ideas that had been explored with each of you on a non-committal basis and that I thought would be helpful during the direct talks phase of your effort. It would be useful to recall them as you begin your work.

The political equality of the two communities in and the bi-communal nature of the federation need to be acknowledged. While political equality does not mean equal numerical participation in all federal government branches and administration, it should be reflected inter alia in various ways: in the requirement that the federal constitution of the State of Cyprus be approved or amended with the concurrence of both communities; in the effective participation of both communities in all organs and decisions of the federal Government; in safeguards to ensure that the federal Government will not be empowered to adopt any measures against the interests of one community; and in the equality and identical powers and functions of the two federated States.

The bi-zonality of the federation should be clearly brought out by the fact that each federated State will be administered by one community which will be firmly guaranteed a clear majority of the population and of the land ownership in its area. It will also be clear from the fact that the federal Government will not be permitted to encroach upon the powers and functions of the federated States.

The unity of the State must be ensured. This should be reflected in the single international personality and sovereignty of the federation of Cyprus, as well as in its single citizenship.

The powers and functions of the federal Government, including the structure, composition and functioning of its three branches, will need to ensure the effective participation of the two communities as well as the effective functioning of the Government, which will require an appropriate deadlock-resolving machinery. It was also suggested that all powers not vested in the federal Government be under the jurisdiction of the two federated States, and that each federated State decide on its own governmental arrangements.

The fundamental rights of all citizens, including the three freedoms, as well as political, economic, social and cultural rights, must be safeguarded. It has been suggested that these rights be recognized in the federal constitution and that they be regulated by the federated States in a manner to be agreed upon and consistent with the federal constitution. It was mentioned that freedom of movement could be exercised as soon as the federal republic is established. Freedom of settlement and the right to property will be implemented taking into account the ceilings to be agreed upon concerning the number of persons from one community who may reside in the area administered by the other and the amount of property which persons of one community may own in the federated State administered by the other. These rights would be implemented after the arrangements concerning the displaced persons have been completed.

Arrangements to ensure the security of each community are, of course, of great importance. In line with the 1979 high-level agreement, it has been suggested that the demilitarization of the federation will remain an objective. In the meantime, a series of measures have been suggested to reduce drastically the presence of foreign troops and to achieve a military balance between the two sides at the lowest possible level by the time the federation is established. Arrangements have also been identified to prevent any paramilitary activities. It was envisaged that the 1960 Treaties of Guarantee and of Alliance would remain a valid framework, and that they be updated keeping in mind the purposes and principles of the Charter of the United Nations. In this context, it was suggested that the presence of Greek and Turkish contingents of reasonable and equal size is an essential feature of security in Cyprus.

As concerns territorial adjustments, the 1977 high-level agreement was recalled. Arrangements were mentioned that would enable a substantial number of Greek Cypriot displaced persons to return under Greek Cypriot administration and that these arrangements would take into account, on a priority basis, the Turkish Cypriot persons that would be affected.

The issue of displaced persons must be resolved in a manner that is sensitive to the interests of both communities. Ideas were explored for recognizing and implementing the rights of the Greek Cypriot and the Turkish Cypriot displaced persons. It was mentioned that priority should be given to the displaced persons returning to the area that will come under Greek Cypriot administration and to the Turkish Cypriot persons living there. It was also mentioned that displaced persons from both communities would be given the option to decide, within an agreed time-frame, whether they wish or not to return to their former residence under the administration of the other community. Those deciding not to return, as well as all those who owned property other than their primary residence, would be compensated fairly and promptly for their properties. It was mentioned that arrangements for those who wish to exercise the option to return would begin to be implemented after the resettlement of those returning to the area that will come under Greek Cypriot administration has been essentially completed. Such arrangements should be consistent with the provisions envisaged for the three freedoms, including the ceilings, and will provide for measures to safeguard the security and interests of both communities.

Measures also need to be devised to promote the development of a balanced economy benefiting both communities. Transitional arrangements will also need to be worked out.

* * *

I now propose to turn to a number of organizational matters.

As you know, I have proposed that you accept the headings which have emerged from the earlier talks as a basis for organizing our work. You will recall that these headings and sub-headings are the following:

(a) Overall objectives of the agreement;

(b) Guiding principles of the federation:

(i) Federal union;

(ii) Bi-communality;

(iii) Bi-zonality;

(c) Constitutional aspects of the federation:

(i) Powers and functions to be vested in the federal Government;

(ii) Structure, composition, and functioning of the federal Government;

(iii) Fundamental rights, including the three freedoms, and political, economic, social and cultural rights;

(d) Security and guarantees;

(e) Territorial adjustments;

(f) Displaced persons;

(g) Economic development and safeguards;

(h) Transitional arrangements.

* * *

When I invited you to meet with me, I wrote that our meeting should be of such reasonable duration as may be necessary to enable you to engage in serious discussion of all the issues and make a determined effort to arrive at an agreed outline. Much will, of course, depend on how the meeting evolves. Nevertheless, in order to organize our work, we should proceed on the basis of an indicative timetable.

I would suggest that we organize our programme into two parts. The first part would be devoted to a discussion of the issues under each of the aforementioned headings, in the order that I have mentioned them. No papers will be presented. I propose that we devote the first three days, that is through Wednesday, to such a discussion - a first reading as it were of all the headings. While the discussion under each heading will not require the same amount of time, it is, of course, important that all headings receive serious attention. The second part of our meeting would be devoted to the actual preparation of an outline. Of course, we will review our schedule and the time we require in the light of experience. I propose to keep informal summary notes of our discussion.

If you agree, I would suggest that this afternoon we proceed with the discussion of issues relevant to the first two headings, that is the overall objectives of the agreement and the guiding principles of the federation. As I said before, I believe that the discussion on these and other headings would be facilitated if you could agree to reflect appropriately in the section of the outline concerning the overall objectives of the agreement the understandings I have suggested.

I propose that the format for our meeting be the same as in previous joint meetings. I suggest that, beginning tomorrow, we meet from 11 a.m. to 1 p.m. and again from 4 p.m. to 6 p.m. I shall endeavour to be present much of the time and I will arrange, if absent, to return at short notice. I have asked Mr. Camilión to be present throughout.

To allow for the most productive discussions possible, it is important that we commit ourselves to a few ground rules. Firstly, since an agreement can be achieved only as an integrated whole, agreement on any issue will be committing only when agreement is reached on all issues. Secondly, while the talks are in progress, I would suggest that we refrain from making any public statement about the talks, the manner in which the work is proceeding or about the views expressed by either side. Thirdly, as an expression of your commitment to a serious effort, I would suggest a moratorium on any negative campaigns against each other, here or

elsewhere. As I have often stressed, negotiations are unlikely to succeed without an improved atmosphere, and an improved atmosphere cannot endure without meaningful negotiations.

* * *

The meeting that is beginning today is of the utmost significance. Its outcome is likely to have a major bearing on the future of the dialogue as well as on the perception of the international community. The expectations, not least among the members of the Security Council, are that the talks should produce results that will effectively advance the resolution of the Cyprus problem.

You are here as Cypriot leaders who share a historical responsibility to both communities and to Cyprus as a whole. If you approach your task not face to face but side by side and commit yourselves to moderation and a willingness to compromise, you will succeed. I need hardly remind you, given my many years of dealing with this problem, that it is only at your level that real progress can be made.

Annex II

Statement delivered by the Secretary-General on Friday, 2 March 1990, at 4 p.m.

I wish you to know that, since we last met on Wednesday, I have reflected deeply on our discussions. I have weighed most carefully the views that were expressed by Mr. Vassiliou and Mr. Denktaş. In addition, I have met with you both individually this morning.

It will be recalled that paragraph 1 of Security Council resolution 367 (1975) requested, inter alia, the parties concerned to refrain from any action which might prejudice the sovereignty, independence, territorial integrity and non-alignment of Cyprus, as well as from any attempt at partition of the island or its unification with any other country. Further, paragraph 7 of the same resolution called on the representatives of the two communities to co-operate closely with the Secretary-General in the discharge of his mission of good offices and asked them to accord personally a high priority to their negotiations.

In drawing up its mandate for the Secretary-General's good offices on Cyprus, the Security Council thus posited a solution based on the existence of one State of Cyprus comprising two communities.

In line with the mandate entrusted to me by the Security Council and the 1977 and 1979 high-level agreements, the objective of the exercise of good offices is a new constitution for the State of Cyprus that will regulate the relacions between the two communities in Cyprus on a federal, bi-communal and bi-zonal basis. In this effort, each community will participate on an equal footing and will also have the opportunity to express separately its consent to the arrangements reached.

In the course of our discussion, Mr. Denktaş stated that the term "communities" be used in a manner that is synonymous with the term "peoples", each having a separate right to "self-determination". Mr. Denktaş also proposed certain other terms for the word "communities". In the context of the intercommunal talks, the introduction of terminology that is different from that used by the Security Council has thus posed more than a semantic problem. Unless acceptable to both sides, any change in terminology could alter the conceptual framework to which all have thus far adhered. In the circumstances, I have come to the conclusion, regrettably, that we face an impasse of a substantive kind, which raises questions regarding the essence of the mandate of good offices given to me by the Security Council and, therefore, regarding the basis of the talks.

In view of this, I must inform the Security Council of the situation as it exists at present and seek the Council's guidance on how to proceed.

For my part, in my opening statement in the present talks, I have said:

"Cyprus is the common home of the Greek Cypriot community and of the Turkish Cypriot community. Their relationship is not one of majority and minority, but one of two communities in the State of Cyprus. The mandate given to me by the Security Council makes it clear that my mission of good offices is with the two communities. My mandate is also explicit that the participation of the two communities in this process is on an equal footing. The solution that is being sought is thus one that must be decided upon by, and must be acceptable to, both communities. It must also respect the cultural, religious, social and linguistic identity of each community."

I have also said:

"The 1977 and 1979 high-level agreements between the two communities, as well as the mandate entrusted to me by the Security Council, have set out the framework within which a solution must be found. The two communities and the Security Council have committed themselves to a solution that will ensure the sovereignty, independence, territorial integrity and non-alignment of Cyprus. The two communities have, in the 1979 high-level agreement, specifically rejected as options union in whole or in part with any other country and any form of partition or secession. The two communities have stated that they wish to establish a federation that is bi-communal as regards the constitutional aspects and bi-zonal as regards the territorial aspects."

In light of the present situation, given the high expectations which will have been disappointed by the inability to make progress, and the possible consequences for Cyprus, I must appeal to both of you not to say or do anything that could aggravate the situation of Cyprus. I must also appeal to you to remain committed to finding a solution to the problem of Cyprus in the framework of the intercommunal talks. The process in which we have been so diligently engaged must not be allowed to collapse. I shall therefore be in touch with you again after reporting to the Security Council and seeking its guidance.

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Security Council

Distr.
GENERAL

S/21184
12 March 1990

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Having considered the report of the Secretary-General of 8 March 1990 (S/21183) on the recent meeting between the leaders of the two communities in Cyprus and on his assessment of the current situation,

Recalling its relevant resolutions on Cyprus,

Recalling the statement of the President of the Security Council of 22 February 1990 (S/21160) calling upon the leaders of the two communities to demonstrate the necessary goodwill and flexibility and to co-operate with the Secretary-General so that the talks will result in a major step forward toward the resolution of the Cyprus problem,

Expressing its regret that, in the more than 25 years since the establishment of UNFICYP, it has not been possible to achieve a negotiated settlement of all aspects of the Cyprus problem,

Concerned that at the recent meeting in New York it has not been possible to achieve results in arriving at an agreed outline of an overall agreement,

1. Reaffirms in particular its resolution 367 (1975) as well as its support for the 1977 and 1979 high-level agreements between the leaders of the two communities in which they pledged themselves to establish a bi communal Federal Republic of Cyprus that will safeguard its independence, sovereignty, territorial integrity and non-alignment, and exclude union in whole or in part with any other country and any form of partition or secession;

2. Expresses its full support for the current effort of the Secretary-General in carrying out his mission of good offices concerning Cyprus;

3. Calls upon the leaders of the two communities to pursue their efforts to reach freely a mutually acceptable solution providing for the establishment of a federation that will be bi-communal as regards the constitutional aspects and bi-zonal as regards the territorial aspects in line with the present resolution and

their 1977 and 1979 high-level agreements, and to co-operate, on an equal footing, with the Secretary-General in completing, in the first instance and on an urgent basis, an outline of an overall agreement, as agreed in June 1989;

4. Requests the Secretary-General to pursue his mission of good offices in order to achieve the earliest possible progress and, toward this end, to assist the two communities by making suggestions to facilitate the discussions;

5. Calls on the parties concerned to refrain from any action that could aggravate the situation;

6. Decides to remain actively seized of the situation and the current effort;

7. Requests the Secretary-General to inform the Council in his report due by 31 May 1990 of the progress made in resuming the intensive talks and in developing an agreed outline of an overall agreement in line with the present resolution.

UNITED
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General Assembly Security Council

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S/21185
12 March 1990
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GENERAL ASSEMBLY
Forty-fifth session
Item 70 of the preliminary list*
STRENGTHENING OF SECURITY AND
CO-OPERATION IN THE
MEDITERRANEAN REGION

SECURITY COUNCIL
Forty-fifth year

Letter dated 12 March 1990 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of a statement issued by the People's Committee of the People's Bureau for Foreign Liaison and International Co-operation concerning the latest United States threats against the Libyan Arab Jamahiriya.

I should be grateful if you would have this letter and its annex circulated as an official document of the General Assembly, under item 70 of the preliminary list, and of the Security Council.

(Signed) Ali A. TREIKI
Permanent Representative

* A/45/50.

ANNEX

Statement issued by the People's Committee of the People's Bureau for Foreign Liaison and International Co-operation

The United States Administration has insisted on reiterating groundless allegations and charges against the Libyan Arab Jamahiriya. To that end, the way was prepared by the launching of a disinformation campaign, and this was followed by the statements made by the official White House spokesman on 7 March 1990 in which he claimed that chemical weapons were being produced at the Rabta plant for pharmaceuticals and medical preparations. The United States spokesman was not content to repeat these allegations, which have already been refuted and whose fallaciousness has already been demonstrated to the world, but his statement also contained the threat of possible action against the Libyan Arab Jamahiriya, including military aggression.

The People's Committee of the People's Bureau for Foreign Liaison and International Co-operation, in condemning the statement made by the official United States spokesman and repudiating its substance, once again reaffirms the full commitment of the Jamahiriya, as previously declared, to all international covenants and all international endeavours that have the aim of outlawing the production, stockpiling and use of chemical and other weapons of mass destruction, as well as its readiness to co-operate with any international efforts in that regard. It calls upon the international community, upon all States and all organizations, to condemn and resist the dangerous and hostile course that the United States Administration continues to pursue, which represents a threat not only to the Libyan Arab Jamahiriya but to all States that cherish peace.

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S/21186
13 March 1990
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LETTER DATED 12 MARCH 1990 FROM THE PERMANENT REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith the text of a statement dated 7 March 1990 by the Spokesman of the Ministry of Foreign Affairs of the USSR.

I should be grateful if you would have this text circulated as an official document of the Security Council.

(Signed) A. BELONOGOV

ANNEX

Statement dated 7 March 1990 by the Spokesman of the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics

We have noted the statement of the President of the United States of America, George Bush, that the United States has no intention of deviating from its policy of considering the establishment of any new Israeli settlements on the West Bank of the Jordan and in East Jerusalem as inadmissible. In our view, by adopting that position, the President of the United States echoes the anxiety aroused today in the world by Israel's manifest intention of settling immigrants in the occupied territories. There can be no doubt that East Jerusalem is part of the territories occupied by Israel in 1967.

In Tel Aviv, on the other hand, everything indicates that another point of view is maintained. The approach being formulated there is based on the decision illegally taken by Israel to annex East Jerusalem and to proclaim the city the "one and indivisible capital of Israel". Has not the Israeli Prime Minister, Y. Shamir, stated quite openly that it is in the interest of Tel Aviv that there should be the greatest possible number of Jews, particularly immigrants coming from the Soviet Union, in Jerusalem? Such statements can only be interpreted as a renewed defiance by Israel of world public opinion. They are manifestly counterproductive to the peace process in the Middle East.

We consider it essential, in this connection, to set forth the position of principle of the Soviet Union on the question of Jerusalem. We consider that East Jerusalem is an integral part of the West Bank of the Jordan occupied by Israel, and it is our view that it is included in the scope of application of the provisions of the relevant United Nations resolutions and of article 49 of the fourth Geneva Convention of 1949, which forbid the occupying Power from transferring part of its own population into the occupied territory.

There are Security Council resolutions on this matter, in particular resolutions 446 (1979) and 465 (1980), in which the Council calls upon Israel, as the occupying Power, to abide scrupulously by the fourth Geneva Convention of 1949, to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including East Jerusalem.

UNITED
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General Assembly Security Council

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13 March 1990
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GENERAL ASSEMBLY
Forty-fifth session
Items 29, 32, 35, 38, 62, 82, 142
and 144 of the preliminary list*
THE SITUATION IN AFGHANISTAN AND ITS
IMPLICATIONS FOR INTERNATIONAL
PEACE AND SECURITY
THE SITUATION IN KAMPUCHEA
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PEACE, STABILITY AND
CO-OPERATION IN SOUTH-EAST ASIA
REVIEW OF THE IMPLEMENTATION OF THE
RECOMMENDATIONS AND DECISIONS
ADOPTED BY THE GENERAL ASSEMBLY
AT ITS TENTH SPECIAL SESSION
DEVELOPMENT AND INTERNATIONAL
ECONOMIC CO-OPERATION
DEVELOPMENT AND STRENGTHENING OF
GOOD-NEIGHBOURLINESS BETWEEN STATES
PEACEFUL SETTLEMENT OF DISPUTES
BETWEEN STATES

SECURITY COUNCIL
Forty-fifth year

Letter dated 7 March 1990 from the Permanent Representatives of Thailand and the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the text of a joint communiqué between Thailand and the Union of Soviet Socialist Republics, issued in Bangkok on 12 February 1990, on the occasion of the visit to Thailand of H.E. Mr. Nikolai Ivanovich Ryzhkov, Chairman of the Council of Ministers of the Union of Soviet Socialist Republics, on 11 and 12 February 1990.

* A/45/50.

We should be grateful if you could arrange to have this text circulated as an official document of the General Assembly, under items 29, 32, 35, 38, 62, 82, 142 and 144 of the preliminary list, and of the Security Council.

(Signed) Nitya PIBULSONGGRAM
Ambassador
Permanent Representative of Thailand
to the United Nations

(Signed) Aleksandr BELONOGOV
Ambassador
Permanent Representative of the
Union of Soviet Socialist
Republics to the United Nations

/...

ANNEX

Joint communiqué between Thailand and the Union of Soviet Socialist Republics issued on 12 February 1990

1. At the invitation of General Chatichai Choonhavan, Prime Minister of Thailand, Nikolai Ivanovich Ryzhkov, Chairman of the Council of Ministers of the USSR paid an official visit to Thailand from 11 to 12 February 1990.

2. During the visit Chairman of the Council of Ministers of the USSR was granted an audience with His Majesty King Bhumibol Adulyadej.

3. Nikolai Ryzhkov called on General Chatichai Choonhavan, Prime Minister of Thailand, and held meetings and negotiations that went on in a friendly and constructive atmosphere.

4. Participating in the talks were

From the Soviet side

- S. A. SITARIAN,
  Deputy Chairman of the Council of Ministers of the USSR;

- V. L. MALKEVICH,
  Chairman of the Presidium, Chamber of Commerce and Industry of the USSR;

- I. A. ROGACHEV,
  Deputy Minister of Foreign Affairs of the USSR;

- A. I. VALKOV,
  Ambassador of the USSR to Thailand;

- L. A. CHIZHOV,
  Chief of the Directorate of the Pacific and South-East Asian Countries,
  Ministry of Foreign Affairs of the USSR

From the Thai side

- Pong Sarasin,
  Deputy Prime Minister;

- Air Chief Marshal Siddhi Savetsila,
  Minister of Foreign Affairs;

- Subin Pinkayan,
  Minister of Commerce;

- Prachuab Chaiyasan,
  Minister of Science, Technology, and Energy;

/...

- General Mana Ratanakoses,
  Minister of Education;

- M. R. Kasemsamosorn Kasemsri,
  Permanent Secretary, Ministry of Foreign Affairs;

- General Panya Singsakda,
  Secretary General to the Prime Minister;

- Manaspas Xuto,
  Ambassador of Thailand to the USSR.

5. The two sides held wide-ranging discussions on international, regional and bilateral issues of mutual interest.

6. The two Heads of Government noted that the visit of the Chairman of the Council of Ministers of the USSR reflected the growing cordial relations between the Union of Soviet Socialist Republics and Thailand. The visit not only provided an impetus to strengthening existing ties but also helped to widen the scope and areas of co-operation between the two countries.

7. The two sides took note of the importance of the visits to the USSR of the Thai Prime Ministers in March 1979 and in May 1988. They also acknowledged an increase of exchange of visits at the ministerial level in recent years which serve to strengthen further co-operation in various fields of interest to the two countries. Among them the visit to Thailand of Eduard Shevardnadze, Minister of Foreign Affairs of the USSR in March 1987 and the visit to the Soviet Union of Air Chief Marshal Siddhi Savetsila, Minister of Foreign Affairs of Thailand, in May of the same year were of special significance.

8. Nikolai Ryzhkov described the current phase of perestroika in the USSR and the political and economic reforms as well as the evolving process of democratization and glasnost. General Chatichai Choonhavan expressed his sincere wishes for the success of the Soviet restructuring programme.

9. The Chairman of the Council of Ministers of the USSR, in noting Thailand's impressive accomplishments in the area of social and economic development, expressed his wish for continued progress and prosperity of the Government and people of Thailand.

10. The two sides expressed satisfaction at the improvement in bilateral relations in recent years and reaffirmed their desire to further expand and intensify them on the principles of equality, respect for the interests of each other, non-interference and mutual benefit.

11. The two Heads of Government welcomed the result of the first meeting of the Thai-Soviet Joint Commission on Trade held in Moscow from 12 to 13 October 1989 aiming at expanding bilateral trade and paving the way for further co-operation in trade and related fields while urging all concerned enterprises and organizations to accelerate the pace of follow-up efforts in concrete terms. The two leaders

shared the view that the Joint Commission provided a useful forum to enhance economic co-operation in the interests of the two countries to take advantage of the opportunities offered by perestroika in the Soviet economy and the rapid diversification and technical advancement in the Thai economy. Ways and means to further facilitate contacts between businessmen of the two countries were also discussed.

12. The Prime Minister of Thailand and the Chairman of the Council of Ministers of the USSR agreed to promote further co-operation and exchange in cultural activities, sports, and tourism, including exchange of appropriate activities between the USSR Youth Organizations Committee and the National Youth Bureau of Thailand. The two sides shared the view that such exchange would contribute to better understanding between the peoples of the two countries. In this connection, they noted with satisfaction the mutual interest of Tass and the Thai News Agency to establish co-operation in the field of information exchange.

13. The two Heads of Government appraised positively the regular consultations between senior officials of the Ministries of Foreign Affairs of the two countries as a result of the Arrangement between the Kingdom of Thailand and the Union of Soviet Socialist Republics on Bilateral Consultations signed in May 1988. These consultations have helped promote continuing dialogue between the two countries.

14. During the visit, the following documents were signed:

- Protocol on the Implementation of the Agreement on Scientific and Technical Cooperation between the Government of the Kingdom of Thailand and the Government of the Union of Soviet Socialist Republics on the Establishment of the Joint Thai-Soviet Commission on Scientific and Technical Cooperation.

- Agreement on Provision of Land for Use as Embassy Premises between the Government of the Kingdom of Thailand and the Government of the Union of Soviet Socialist Republics.

- Programme of Cultural and Scientific Exchanges between The Government of the Kingdom of Thailand and The Government of the Union of Soviet Socialist Republics for 1990-1991.

15. The Chairman of the Council of Ministers of the USSR and the Prime Minister of Thailand welcomed the current relaxation of tension in international relations which provided favourable conditions for the resolution of global and regional problems. A trend of transition from confrontation to dialogue and interaction of States with different social systems has been manifested recently. This new climate in the world offered a unique opportunity for the international community to enter into an era of peace and fruitful co-operation.

16. The Prime Minister of Thailand expressed appreciation of the result of the Summit between the leaders of the Union of Soviet Socialist Republics and the United States of America from 2 to 3 December 1989. General Chatichai Choonhavan believed that continuing U.S.-Soviet dialogue would serve to reduce tension and

promote international understanding and co-operation. The Thai side noted with appreciation the Soviet and U.S. on-going effort to conclude a treaty on 50-per-cent reductions in strategic offensive arms as well as their efforts to limit other types of armaments and the use of political dialogue as means to achieve resolution of problems.

17. At the request of the Head of the Thai Government the Chairman of the Council of Ministers of the USSR explained the position of the Soviet Union with regard to the recent changes in Eastern Europe, stressing that this position was based on the recognition of the right of every nation to freedom of choice, respect for the sovereignty of States and the inadmissibility of interference into their internal affairs.

18. Nikolai Ryzhkov informed General Chatichai Choonhavan about the implementation of the Soviet initiatives on the Asia and Pacific region as put forward in Mikhail Gorbachev's speeches in Vladivostok and Krasnoyarsk. The two sides shared the view that it was necessary to search for ways to reduce military tensions and to promote a negotiating process on a bilateral and multilateral basis to address the urgent problems of the region.

19. The Chairman of the Council of Ministers of the USSR reiterated the Soviet support for the ASEAN's concepts of creating a Zone of Peace, Freedom and Neutrality (ZOPFAN) in Southeast Asia as well as a Nuclear Weapon Free Zone as its component.

20. The Head of the Soviet Government welcomed the Thai Prime Minister's call to turn the battlefield of Indochina into a peace zone and a thriving market place as having contributed to a more favourable regional climate conducive to a peaceful political settlement of the Kampuchean problem.

The two sides stressed the urgent need for an early solution to the Kampuchean problem, which has impeded peace and stability in Southeast Asia and obstructed the normal development of beneficial interactions and co-operation between the regional States.

The Soviet side praised the initiative made by the Thai Prime Minister in calling for the resumption of talks among the Kampuchean parties and States concerned. In this context General Chatichai Choonhavan and Nikolai Ryzhkov expressed their readiness to facilitate informed meeting on the Kampuchean problem in Jakarta under the Paris Conference auspices. Prime Minister Chatichai Choonhavan noted the Soviet Union's constructive efforts, including those as a member of the Permanent Five of the United Nations Security Council, aimed at a political solution to the conflict in Southeast Asia.

The two sides believed that the Australian initiative in enhancing the United Nations role in the resolution of the Kampuchean problem as well as the outcome of the recent meeting of the Five Permanent Members of the United Nations Security Council held in Paris have given added impetus to the on-going negotiation process on Kampuchea settlement.

21. The Head of the Soviet Government assessed positively the policies of the Thai leadership in developing good-neighbourliness and mutually beneficial co-operation with Laos, Viet Nam, and Cambodia, thus contributing to a favourable atmosphere conducive to bringing about a state of peaceful co-existence and stability among all the countries in Southeast Asia.

22. The Chairman of the Council of Ministers of the USSR and the Thai Prime Minister, in reviewing the latest development in the situation in Afghanistan and the Middle East, expressed their hope that the conflicts in the region be settled by political means with respect to the will of all parties concerned.

23. The two sides agreed to continue their co-operation in the United Nations and other international fora. They expressed their full support for the efforts of the United Nations Secretary-General towards resolving international conflicts.

24. The two Heads of Government discussed the current world economic situation. They shared the view that as long as the contemporary world is an interdependent one all nations should co-operate with each other for mutual benefit. The two sides were in favour of removing protectionist practices and other artificial barriers to trade which have destabilizing effects on global economic relations.

25. The Thai Prime Minister informed his Soviet counterpart of the results of the Ministerial Meeting on Asia-Pacific Economic Cooperation in Canberra in November 1989. Thailand and the USSR were in favour of developing broader trade and economic co-operation in the region on the basis of a free and open international trading system.

26. The two sides expressed the conviction that the visit of the Head of the Soviet Government to Thailand - the first ever in Thai-Soviet history - will be an important milestone in the relationship between Thailand and the Soviet Union.

27. The Head of the Soviet Government invited the Prime Minister of Thailand to pay an official visit to the Soviet Union at a mutually agreeable time. The invitation was accepted with pleasure.

28. The Chairman of the Council of Ministers of the USSR expressed his sincere appreciation to the Prime Minister, the Government and the people of Thailand for the warm and cordial hospitality extended to him and members of his delegation throughout their stay in Thailand.

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GENERAL

S/21188
13 March 1990

ORIGINAL: ENGLISH

LETTER DATED 12 MARCH 1990 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In its resolution 647 (1990) of 11 January, the Security Council confirmed its agreement to the measures contained in my letter of 9 January 1990 (S/21071) concerning the arrangements for the temporary deployment in Afghanistan and Pakistan of military officers from existing United Nations operations to assist in the mission of good offices for a further period of two months. These arrangements will come to an end on 15 March 1990. My consultations with the signatories of the Geneva Accords indicate that another extension of the existing arrangements would not meet with the necessary consensus.

In the light of the above and having reviewed the mandate the Organization has given me to encourage and facilitate the early realization of a comprehensive political settlement in Afghanistan, I intend to redeploy a limited number of military officers as military advisers to my Personal Representative in Afghanistan and Pakistan to assist in the further implementation of the responsibilities entrusted to me by General Assembly Resolution 44/15 of 1 November 1989 and in particular its operative paragraph 10. The military officers will be detached temporarily from existing United Nations operations, with the concurrence of their respective countries.

I wish to take this opportunity, Mr. President, to place on record my appreciation for the manner in which Colonel Heikki Happonen (Finland), Deputy Representative, and the officers and civilian staff have performed their duties in very difficult circumstances. I trust that it will be possible for me to retain the services of some of the officers who have served until now, in their new capacity as military advisers to Mr. Benon Sevan, my Personal Representative in Afghanistan and Pakistan.

(Signed) Javier PEREZ de CUELLAR

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A/45/165
S/21189
14 March 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Items 72, 143 and 146 of
the preliminary list*
IMPLEMENTATION OF THE DECLARATION
ON THE PREPARATION OF
SOCIETIES FOR LIFE IN PEACE
UNITED NATIONS DECADE OF
INTERNATIONAL LAW
REPORT OF THE UNITED NATIONS
COMMISSION ON INTERNATIONAL
TRADE LAW ON THE WORK OF
ITS TWENTY-THIRD SESSION

SECURITY COUNCIL
Forty-fifth year

Letter dated 12 March 1990 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General

I have the honour to transmit to you a message from H.E. Mr. Abdul Wakil, Minister of Foreign Affairs of the Republic of Afghanistan, addressed to Your Excellency.

I have further the honour to request that the message be circulated as an official document of the General Assembly, under items 72, 143 and 146 of the preliminary list, and of the Security Council.

(Signed) Noor Ahmad NOOR
Ambassador
Permanent Representative

* A/45/50.

ANNEX

Message dated 8 March 1990 from the Minister of Foreign Affairs of Afghanistan addressed to the Secretary-General

The Government of Pakistan, violating all its commitments and trampling underfoot all moral and political norms, has recently committed yet another monstrous crime in our country, by plotting and staging an abortive but bloody coup through its agent, Shanawas Tanai, and in collusion with Gulbuddin Hekmatyar. The Pakistani Government's participation and leading role in this connection is fully evident. The Government of the Republic of Afghanistan is in possession of undeniable documents and other evidences which prove this fact. After realizing that their plot had failed, the criminals flew to Pakistan in an aircraft belonging to the armed forces of the Republic of Afghanistan, carrying to the country a significant sum of State-owned money. We have solid information indicating that in case of failure the question of their eventual acceptance by the Government of Pakistan had been agreed upon in advance between the plotters and Pakistani authorities.

I would like to draw Your Excellency's attention to the fact that this criminal Pakistani conspiracy is carried out in our country at a time when real possibilities and favourable conditions for achieving a political solution for the problems relating to Afghanistan have emerged and hopes for bringing peace and tranquillity to our country is on the rise. This attempt by the Government of Pakistan is, in fact, the employment of its last military resource in our country, which ended in ignominious defeat, meeting the deep hatred and indignation of our people. As a result of this failed coup, our country suffered great human and material losses.

The Government of the Republic of Afghanistan considers this bloody attempt a blatant interference in our internal affairs and aggression against our country carried out in continuation of Pakistan's persistent policy of violating the Geneva Agreements and sabotaging the restoration of peace in our country. The Government of Afghanistan considers it to be its absolute right to demand from the Government of Pakistan, on the basis of accepted norms of international law, the return of the criminals to Afghanistan to face trial as well as of the State-owned money and property which they have taken with them.

The Government of the Republic of Afghanistan considers the Pakistani criminal plot to be in total contradiction to your efforts to seek a political solution for the problems of Afghanistan. We hope that Your Excellency, as a friend of the people of Afghanistan and a patron of peace in our country, would, on the basis of your mandate under the Geneva Agreements and the resolution of the General Assembly at its forty-fourth session, impress on the Government of Pakistan to immediately and categorically stop interference in our internal affairs and aggression against our country as well as to end sabotaging the achievement of accord among the Afghans.

We would like to assure you that with the repulsion of criminal Shahnawas Tanai the path to reconciliation and political solution has been further paved. The presence of this individual in the post of minister of defence and his collusion with extremist Gulbuddin constituted a significant obstacle to the achievement of political accord. The process of ensuring peace and democracy in Afghanistan is irreversible and the Government of the Republic of Afghanistan is determined to intensify its efforts towards the achievement of a political solution on the basis of national reconciliation, which enjoys the full support of the people of Afghanistan.

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15 March 1990

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GENERAL ASSEMBLY
Forty-fifth session
Items 29, 71 and 144 of the
preliminary list*
THE SITUATION IN AFGHANISTAN AND ITS
IMPLICATIONS FOR INTERNATIONAL
PEACE AND SECURITY
REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY
PEACEFUL SETTLEMENT OF DISPUTES
BETWEEN STATES

SECURITY COUNCIL
Forty-fifth year

Letter dated 12 March 1990 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General

Corrigendum

1. The mast-head should read as above.

2. Page 1

The last paragraph should read:

I have further the honour to request that the message be circulated as an official document of the General Assembly, under items 29, 71 and 144 of the preliminary list, and of the Security Council.

90-06821 1548b (E)

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General Assembly Security Council

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~~A/44/928~~
S/21190
14 March 1990

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fourth session
Agenda item 47
QUESTION OF CYPRUS

SECURITY COUNCIL
Forty-fifth year

Letter dated 14 March 1990 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to attach herewith a letter dated 14 March 1990 addressed to you by His Excellency Mr. Özer Koray, Representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the present letter and its annex were circulated as a document of the forty-fourth session of the General Assembly, under agenda item 47, and of the Security Council.

(Signed) Mustafa AKSIN
Ambassador
Permanent Representative

ANNEX

Letter dated 14 March 1990 from Mr. Özer Koray addressed to the Secretary-General

Upon instructions from my Government, I have the honour to enclose herewith the text of a paper entitled "Turkish Republic of Northern Cyprus - Opinion", written by eminent law professor E. Lauterpacht, C.B.E., Q.C., and dated 9 March 1990.

I should be grateful if the present letter and its appendix were circulated as a document of the forty-fourth session of the General Assembly, under agenda item 47, and of the Security Council.

(Signed) Özer KORAY
Representative

APPENDIX

TURKISH REPUBLIC OF NORTHERN CYPRUS

OPINION

1. I have been asked to advise as a matter of urgency on the legal justification for the position taken on 28 February, 1990 by the President of the Turkish Republic of Northern Cyprus, Mr. Denktas, regarding the wording to be used to describe the participation by the Turkish Cypriots in any settlement that may be reached with the Greek Cypriots for the future government of Cyprus.

2. Mr. Denktas noted that whatever the words that may be used -- whether communities, peoples, peoples and communities, national communities, national groups, constituent parties, constituent partners, or partners -- they will not run counter to the view that each of the parties, in participating in the hoped-for settlement, is exercising its right of self-determination.

3. The reason for this concern lies in the objection of the Turkish Cypriot community to any words that may give rise to such implications as the following: that in these negotiations one group is legally superior or inferior to the other; that the Greek Cypriot community, although treated by the United Nations as "the Government of Cyprus", would by agreeing to a federal-type settlement be seen as in any way legally bestowing powers upon the Turkish Cypriot community; or that by entering into a settlement along the general lines contemplated the Turkish Cypriot community would in any degree be renouncing its legal and national identity.

4. The Secretary-General of the United Nations responded that "any change in terminology could alter the conceptual framework to which all have thus far adhered" and concluded that "we have an impasse of a substantive kind, which raises questions regarding the essence of the mandate of good offices given to me by the Security Council."

5. The question is, therefore, what is the correct interpretation of the mandate conferred upon the Secretary-General. This is essentially a matter of the interpretation of Security Council Resolution 367 (1975) of 12 March 1975 which, in paragraph 6, requested the Secretary-General "to undertake a new mission of good offices". In particular, what is the legal position of those to whom the Secretary-General was to address his mission?

6. The Resolution describes those to whom the Secretary-General is to render his good offices in three places: in paragraph 2, the Council regrets certain conduct "as tending to compromise the continuation of negotiations between the representatives of the two communities on an equal footing"; in paragraph 6, apparently referring to the same persons, the Resolution requires the

Secretary-General" to convene the parties under new agreed procedures"; and, in paragraph 7, the Security Council called upon "the representatives of the two communities to co-operate closely with the Secretary-General".

7. There appears to be nothing on the face of that language, taken by itself, to suggest that there is any inequality of status between the parties or that either of them is doing anything other than further exercising its right of self-determination by participating in the settlement negotiations.

8. If, as is correct in the process of interpretation, one looks to the background of the Resolution and to the manner in which it has subsequently been applied, one finds ample confirmation for this view.

9. So far as to background is concerned, it must be recalled that the emergence of Cyprus as an independent State in 1960 was an act of self-determination. The British Colonial Secretary, Mr. Lennox-Boyd, described the emerging situation in these terms in 1956: "... it will be the purpose of Her Majesty's Government to ensure that any exercise of self-determination should be effected in such a manner that the Turkish Cypriot community, no less than the Greek Cypriot community, shall, in the special circumstances of Cyprus, be given freedom to decide for themselves their future status. In other words, Her Majesty's Government recognize that the exercise of self-determination in such a mixed population must include partition among the eventual options". (Statement in the House of Commons, 19 December, 1956.) This statement was confirmed by the Prime Minister, Mr. Macmillan, on 26 June, 1958, who also described the Colonial Secretary's assurances as "pledges".

10. The form taken by this act of self-determination was unique in character. Neither before nor since has the ending of a colonial situation been enshrined in a constitution that was guaranteed in treaty form on the plane of international obligation by the three Members of the United Nations most closely concerned and countersigned and adopted by the leaders of the two communities directly affected. This was an evident and necessary reflection of the uneasy relationship between two peoples divided deeply by religion, language and culture, and of the apprehension that each might seek a closer association with the country to which each had an affinity.

11. Three years later the Greek Cypriot community used its power to prevent the Turkish Cypriot community from playing its proper role in the Government of Cyprus. There is also uncontroverted and incontrovertible evidence that those who led this action had in mind a further breach of the Treaty of Guarantee, namely, union with Greece. Thus, not only did the Greek Cypriot community or, as it claims to be, the Government of the Republic of Cyprus break the Constitution and violate its pledged word in an absolutely fundamental way; it also repudiated a solemnly assumed treaty undertaking which formed an indispensable

ele . any legal assessment of its position. Both the United Ki.. . .d Turkey protested.

. The fact that States have been prepared to recognize and to acc- d a place in the United Nations to the constitutionally unlawful Greek Cypriot regime is comparable to the recognition, many times repeated in the history of international relations, of de facto governments that have assumed power after a successful insurrection and repudiation of constitutional norms. But that de facto acceptance by the international community could not, and did not, in any way expunge the international illegality or, even more to the point, deprive the Turkish Cypriot community of its entitlement, possessed in common with the Greek Cypriot community, to the enjoyment of its right of self-determination.

13. The subsequent condemnation in Security Council Resolution 541 (1983) of the exercise of this right by the establishment of the Turkish Republic of Northern Cyprus as a statal entity in Northern Cyprus responding to the factual division of the country and parallel to the one existing in Southern Cyprus is legally bewildering. If a balanced and proportionate reaction to the breach of the undertakings given in the Treaty of Guarantee is condemned by the United Nations, this sets at naught the value of any international guarantee, no matter by whom given.

14. Be that as it may, events subsequent to Resolution 367 confirm that for the purposes of the ensuing series of negotiations the two communities regarded themselves, and were regarded by the United Nations, as being equal in status and that no special rights were attributable to the Greek Cypriot regime by reason of its de facto local and international status. It is sufficient to list some of the most important texts that evidence this position; the High-Level Agreement between the leaders of the two communities, 1977 and 1979; the Vienna Working Points of 1984; the Draft Framework Agreement on Cyprus presented by the Secretary-General on 29 March, 1986; the Geneva Accord of 24 August, 1988; and the Opening Statement by the Secretary-General at the most recent round of talks on 26 February, 1990 when, in particular, he stressed that the relationship between the Greek Cypriot community and the Turkish Cypriot community "is not one of majority and minority, but one of two communities in the State of Cyprus" and that "the participation of the two communities is on an equal footing."

15. It need hardly be added that there is nothing in intervention by Turkey in 1974 that changes the legal position. This was a lawful exercise by Turkey of its rights as a guarantor under Article IV of the Treaty of Guarantee. That lawfulness was expressly acknowledged by the Standing Committee of the Consultative Assembly of the Council of Europe in a resolution of 29 July, 1974 which referred to the exercise by the Turkish Government of its "right of intervention in accordance with Article 4 of the Guarantee Treaty of 1960". The British Government, through not expressing positive agreement with that view, has never -despite repeated opportunities -denied it; and the Foreign Affairs

Committee of the British House of Commons has said in relation to the British Government's own position that "there can be no question that the Treaty makes it perfectly clear that there is a legal right to intervene". Clearly, what Britain is entitled to do, Turkey is equally entitled to do.

16. Nor is there anything in the situation that suggests that either side in concluding new arrangements would thereby be exhausting its inherent right of self-determination. The factor that must maintain the unity of an internationally and constitutionally re-established Republic of Cyprus must be the unwavering adherence of both sides to their promises, not the denial to either side of its right freely to dispose of its own future.

17. In the light of the above, it does not appear that there is any legal basis for objecting to the assessment of the position given by Mr. Denktas.

E. LAUTERPACHT, C.B.E., Q.C.

9 March, 1990.

3 Essex Court,
Temple,
London.

UNITED
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Security Council

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21 [illegible]
[illegible] 1990

ORIGINAL: ENGLISH

LETTER DATED 13 MARCH 1990 FROM THE PERMANENT OBSERVER OF PALESTINE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request that, in accordance with its previous practice, the Security Council invite H.E. Mr. Farouq Qaddoumi, Head of the Political Department of the Palestine Liberation Organization, to participate in the debate on the item entitled "The situation in the occupied Arab territories".

(Signed) Zuhdi Labib TERZI
Permanent Observer of Palestine
to the United Nations

UNITED NATIONS

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General Assembly Security Council

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A/45/166
S/21192
14 March 1990

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GENERAL ASSEMBLY
Forty-fifth session
Items 23 and 35 of the preliminary list*
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-fifth year

Letter dated 13 March 1990 from the Permanent Representative of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the Final Communiqué of the Ministerial Meeting of the Committee of Nine on Palestine of the Movement of Non-Aligned Countries, held on 11 March 1990 at Tunis.

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly, under items 23 and 35 of the preliminary list, and of the Security Council.

(Signed) Dragoslav PEJIĆ
Ambassador

* A/45/50.

ANNEX

Final Communiqué of the Ministerial Meeting of the Committee of Nine on Palestine of the Movement of Non-Aligned Countries held at Tunis on 11 March 1990

1. The Non-Aligned Movement's Committee of Nine on Palestine met at the ministerial level at Tunis, on 11 March 1990, to review the latest developments in the Middle East, in particular the intifadah of the Palestinian people and the settlement of Jewish emigrants from the Soviet Union in the occupied territories, as well as the forthcoming activities in the United Nations concerning the Middle East crisis and the endeavours to establish peace through the international peace conference on the Middle East, including efforts to establish a Palestinian-Israeli dialogue.

2. The meeting was attended by Ministers of Foreign Affairs of Algeria, Cuba, India, Senegal and Yugoslavia, the Minister of Information of the State of Palestine, the Foreign Secretary of Bangladesh and Representatives of Zambia and Zimbabwe.

3. The Ministers highly appreciated the important statement made by the President of the State of Palestine and Chairman of the Executive Committee of the Palestine Liberation Organization, Yasser Arafat, on the positive and constructive role of the Movement in its support for the liberation struggle of the peoples of Namibia, South Africa and Palestine. He stressed the intifadah of the Palestinian people against the occupation by Israel, gave details on the repressive practices of Israel, the suffering of the Palestinian people and the high number of victims, martyrs and injured, demolitions of property, and of abortions resulting from the use of internationally prohibited chemical weapons. He drew the attention of participants to the dangers resulting from the daily increasing numbers of Jewish immigrants and to the decision of the Government of Israel to settle them in Palestinian territory, including Jerusalem and Nablus. He stated that, in addition to being illegal and a violation of human rights, immigration had grave demographic effects, particularly as it was aimed at realizing the "Greater Israel" plan. He warned that such action undermined peace efforts and the peace process. He proposed that the Movement should avail itself of the opportunity afforded by the convening of the Security Council to participate actively in its deliberations. He referred also to the PLO-USA dialogue and mentioned that the United States had not as yet raised the level of the dialogue. He also stated that the PLO had accepted US Secretary of State Baker's initiative and that Israel was avoiding it, as it had rejected all other peace initiatives.

4. The Ministers considered that the Co-ordinating Bureau and the Non-Aligned Countries had made a positive contribution to the consideration of the question of Palestine and the situation in the Middle East at the forty-fourth session of the United Nations General Assembly. They welcomed the activities undertaken by the Chairman of the Movement and the Committee of Nine in permanent co-ordination with the leadership of the State of Palestine to formulate the most effective action of

the Movement aimed at promoting the Middle East peace process. In this context, consultations had been held with influential factors in the Middle East crisis, such as China, the United States, the Soviet Union and the European Community, which reflected a growing readiness to contribute to the efforts aimed at reaching a durable, comprehensive and just solution to the Palestinian question and the Middle East crisis, and strengthened the role of the Movement and its more immediate influence as an important factor in achieving such a solution.

5. They expressed concern that the situation in the Middle East continued to be very serious owing to Israeli intransigence, that threats to peace and security in the region persisted, and that there had been an escalation of repressive measures, such as confiscation of property, forced eviction of Palestinians and the establishment of settlements by the Israeli occupation authorities.

6. The declared policy of Israel to settle Jewish immigrants from the Soviet Union in the occupied Palestinian territory, including Jerusalem, was of grave consequence. Such organized, mass actions undermined the peace process, jeopardizing all efforts undertaken so far, and they were in a flagrant violation of the norms of law, the Fourth Geneva Convention and the International Covenant on Civil and Political Rights, and of the fundamental human rights of the Palestinian people. Supporting the right of every individual to leave any country, including his own, the Ministers stressed that the exercise of this right should not be imposed or to the detriment of others, in this particular case of the Palestinians. The Non-Aligned Countries should call upon the international community and the United Nations Security Council to take resolute action to prevent such attempts and declare them illegal, null and void. In this context they called upon the Security Council to consider measures for the impartial protection of the Palestinian civilian population under Israeli occupation and to call upon all States not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories. The member countries of the Committee of Nine will express this view in the Security Council and will endeavour to have it endorsed in the Council's decisions.

7. The Ministers observed that there were nevertheless certain developments creating more favourable conditions for the search for a peaceful solution to the Middle East conflict, at the core of which is the question of Palestine.

8. They emphasized that the intifadah of the Palestinian people in the territories occupied by Israel had contributed significantly to these endeavours, as well as the constructive approach on the part of the PLO, the Palestinian peace initiative approved by the Palestine National Council on 15 November 1988 and proclaimed by the Chairman of the PLO at the General Assembly on 13 December 1988. The readiness of the PLO for dialogue on all relevant issues showed the PLO's sincerity and genuine response to the requirements of peace in the Middle East.

9. The Ministers noted with satisfaction that these developments had received broad international support, particularly by an overwhelming majority in the General Assembly, and had had a positive impact on those factors in Israel favouring a peaceful and just solution, as well as on the Jewish communities

throughout the world, thus contributing to the creation of better conditions for a successful joint action of the Movement and the international community as a whole.

10. The Ministers stressed that a comprehensive, durable and just solution was possible only on the basis of full realization of the legitimate rights of the Palestinian people to self-determination, including the establishment of their own State, withdrawal of Israel from all the territories occupied since 1967, including Jerusalem, the right of all peoples in the region to live in peace and security within internationally recognized borders, and the right of Palestinian refugees to return. They reiterated that the solution was possible only with the participation, on an equal footing, of the Palestinian people, led by the PLO, its sole and legitimate representative, in all negotiations and phases of the peace process as an integral part of the international peace conference.

11. They pointed out, in this context, that the Middle East peace process had entered an important and critical stage in creating conditions for the establishment of a fruitful Palestinian-Israeli dialogue, which should focus on all the substantive issues. In this respect they rejected all unjustified Israeli demands putting pre-conditions on the opening of such a dialogue and considered that such demands were aimed at circumventing the real issues and also at gaining time in an attempt to suppress the intifadah of the Palestinian people.

12. The Ministers noted the statement of President Arafat, who, as well as other speakers, referred to the efforts undertaken through Egypt, the United States and other international and regional forces towards initiating a Palestinian-Israeli dialogue as soon as possible. They stressed, in this context, the importance of the dialogue between the United States and the PLO and expressed the expectation that the United States, in order to ensure progress of the peace process, would continue to exert influence on the Israeli attitude, bearing in mind the importance of its existing support for and good relations with Israel, which takes advantage of this support to persist in its policy and practices.

13. They underlined the importance of, and the need for, an adequate contribution of international factors to the peace process, and in that context, welcomed the significant contribution, understanding and support of the Soviet Union, the European Community, China, Japan, the Nordic countries, as well as of Canada and Australia and an increasing number of other countries, regarding the full exercise of the right of the Palestinian people of self-determination.

14. The Ministers invited the Security Council to proceed, as a matter of urgency, to preparations for convening the international peace conference on the Middle East under the auspices of the United Nations, on the basis of Security Council resolutions 242 (1967) and 338 (1973) and the legitimate national rights of the Palestinian people, primarily the right to self-determination, with the participation, on an equal footing, of all the parties directly concerned, including the PLO. They expressed great appreciation to the Secretary-General of the United Nations for his endeavours in this regard and called upon him to continue with his efforts.

15. The Committee of Nine will work actively towards convening the international peace conference through its ad hoc groups, to be set up according to the decision taken at the last Committee Meeting held at the summit level at Belgrade, and will use its influence with the permanent members of the Security Council and the Secretary-General towards that end.

UNITED
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Distr.
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S/21193
15 March 1990

ORIGINAL: ENGLISH

LETTER DATED 15 MARCH 1990 FROM THE PERMANENT REPRESENTATIVE OF JORDAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request that the Security Council extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Ambassador Clovis Maksoud, Permanent Observer of the League of Arab States to the United Nations, during the Council's discussion of the item presently on its agenda.

(Signed) Abdullah SALAH
Ambassador
Permanent Representative of
Jordan to the United Nations

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UNITED
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Distr.
GENERAL

S/21194
15 March 1990

ORIGINAL: ENGLISH

UNITED NATIONS OBSERVER GROUP IN CENTRAL AMERICA

Report of the Secretary-General

1. The purpose of the present report is to seek from the Security Council its urgent approval, on a contingency basis, of an enlargement of the mandate of the United Nations Observer Group in Central America (ONUCA) and the addition of armed personnel to its strength in order to enable it to play a part in the voluntary demobilization of the members of the Nicaraguan resistance.

2. The members of the Security Council will recall that on 7 August 1989 the five Central American Presidents signed, at Tela, Honduras, a joint plan which provided, inter alia, for the voluntary demobilization, repatriation or relocation of the members of the Nicaraguan resistance and their families (S/20778, annex I). On 28 August 1989, I addressed to the President of the Security Council a letter (S/20856) concerning the requests made of the United Nations by the five Presidents in that regard. In that letter I pointed out, in particular, that the tasks of collecting the weapons, matériel and military equipment of the members of the Nicaraguan resistance would need to be entrusted to military units equipped with defensive weapons. The Council's approval of the points made in my letter was conveyed in the President's letter of 20 September 1989 (S/20857).

3. It will further be recalled that in the Declaration signed at San Isidro de Coronado, Costa Rica, on 12 December 1989 (S/21019, annex), the five Presidents requested, inter alia, that the mandate of ONUCA should be expanded in connection with any demobilization of irregular forces that might be agreed in the region.

4. Shortly after the elections that took place in Nicaragua on 25 February 1990, I was asked by the Nicaraguan Government and by the Nicaraguan Opposition National Union (UNO) to consult with them about the manner in which ONUCA could assist with regard to the transition process in Nicaragua. Consultations accordingly began at Managua on 1 March, with the United Nations side being represented by the Under-Secretary-General for Special Political Affairs and the Chief Military Observer of ONUCA. Consultations have since continued intensively, with a leading role being played by Mr. Iqbal Riza, until recently Chief of the United Nations Observer Mission to Verify the Electoral Process in Nicaragua (ONUVEN), and now Alternate Personal Representative of the Secretary-General for the Central American peace process.

5. In the course of these consultations, a broad level of agreement has been reached on the modalities set out in paragraph 6 below. It is recognized by all concerned that the demobilization will have to be voluntary.

6. The modalities on which agreement has been reached in principle in the consultations at Managua, subject of course to the approval of the Security Council, are as follows:

(a) ONUCA will be responsible for implementing the military aspects of the implementation of the Tela accord, i.e., for taking delivery of the weapons, matériel and military equipment, including military uniforms, of the members of the Nicaraguan resistance; the International Support and Verification Commission (CIAV), set up pursuant to the Tela accord, will be responsible for implementation of the civilian aspects, i.e., for the repatriation, or relocation elsewhere, of the members of the Nicaraguan resistance, for their resettlement and for the subsequent monitoring of their welfare, including material assistance;

(b) Members of the Nicaraguan resistance who are in Honduras at the time of demobilization will be demobilized at the existing camps of the resistance in that country, where they will hand over their weapons, matériel and military equipment, including military uniforms, to ONUCA; as soon as each member of the resistance has handed over his or her weapons, etc., he or she will become the responsibility of CIAV, which will arrange for his or her repatriation and resettlement without delay;

(c) As regards members of the Nicaraguan resistance who are in Nicaragua at the time of demobilization, ONUCA will establish, and ensure the security of, temporary assembly points both in Nicaragua itself and at certain locations in Costa Rica close to that country's border with Nicaragua. The locations of the temporary assembly points will be broadcast by all possible means, including the Nicaraguan resistance's own communications, and members of the Nicaraguan resistance will be told to report to the nearest assembly point where ONUCA will take delivery of their weapons, matériel and military equipment, including military uniforms; thereafter they will become the responsibility of CIAV, which will arrange for their repatriation and resettlement without delay;

(d) ONUCA will ensure the security of the temporary assembly points in Nicaragua as long as demobilized members of the Nicaraguan resistance remain at them awaiting resettlement;

(e) The weapons, matériel and military equipment, including military uniforms, handed over to ONUCA by the members of the Nicaraguan resistance will be held in safe custody by ONUCA until their final disposal is decided upon by the five Central American Presidents, in accordance with the Tela accord. ONUCA would, however, destroy on the spot any items which are considered to be in a dangerous condition.

7. The results of the consultations at Managua have been communicated to the Governments of Costa Rica and Honduras, which have agreed in principle to their territory being used, on a temporary basis, for the demobilization of members of the Nicaraguan resistance in accordance with the modalities described above and

which will be asked to confirm their agreement as soon as the recommendations in the present report have been approved by the Security Council. The Governments of El Salvador and Guatemala, the two other parties to the Central American peace process, have also been kept informed, as has the Secretary-General of the Organization of American States in his capacity as a member of CIAV.

8. It will be clear to the members of the Security Council that the role envisaged for ONUCA in this process goes beyond its existing mandate, which is to verify, on the spot, compliance by the five Central American Governments with the security undertakings contained in the Guatemala Agreement (also known as the "Esquipulas II agreements"), namely cessation of aid to irregular forces and insurrectionist movements operating in the region and the non-use of the territory of one State for attacking others. If the Security Council agrees, it may wish to approve this enlargement of ONUCA's mandate, as well as the temporary addition of armed personnel to its strength (all existing ONUCA personnel are unarmed). Armed personnel will be required to take delivery of the weapons, matériel and military equipment, including military uniforms, of the members of the Nicaraguan resistance, to transport them to secure locations, to ensure their safe custody there until their final disposal is decided upon by the five Central American Presidents and to ensure the security of the assembly points which will be temporarily established in Nicaragua.

9. If the Security Council agrees to the recommendations in the present report and if agreement is reached on the voluntary demobilization of the members of the Nicaraguan resistance considerable additional responsibilities will fall on ONUCA. In these circumstances I believe that the implementation of phase IV of the deployment of ONUCA should begin as soon as possible. Members of the Security Council will recall from paragraph 23 of my report of 11 October 1989 on the establishment of ONUCA (S/20895) that it was recommended, and the Security Council agreed, that the timing of phase IV should be determined in the light of the progress and results achieved during the first three phases and of other relevant factors. Deployment of phase III began on 28 February 1990 and is almost complete, although there is a shortfall of 21 military observers because of the inability of some of the existing contributors to ONUCA to provide the full complement of officers requested of them.

10. The full strength originally envisaged for ONUCA, namely 260 military observers, will now be needed to enable the group both to fulfil its original verification mandate and to assist in the new duties recommended for ONUCA in the present report. In the latter context I envisage that ONUCA military observers will play a part both in assisting the demobilization process itself and, through constant patrolling, in maintaining a sense of confidence and security in those areas of Nicaragua to which the demobilized members of the Nicaraguan resistance will return.

11. Implementation of this recommendation will require an additional 119 military observers, i.e., the shortfall of 21 from phase III and the 98 originally envisaged for phase IV. Given the inability of existing contributors to make more officers available, it will be necessary to enlarge the composition of ONUCA. I have begun informal consultations with certain Member States in this regard and will approach

the five Central American Governments and thereafter the Security Council in the usual way once it is confirmed that the Member States concerned are ready in principle to make officers available.

12. When I gave the members of the Security Council a preliminary briefing on these matters on 9 March 1990, members of the Council asked that my written report to the Council should indicate the likely duration of a demobilization operation and the likely extra costs to the Organization. Assuming (as the present report does throughout) that demobilization is voluntarily accepted by the leaders and other members of the Nicaraguan resistance, it should be possible to complete the process in a period of four to six weeks, provided that a rapid decision is taken by the five Central American Presidents on the final disposal of the weapons, matériel and military equipment, including military uniforms, of the Nicaraguan resistance. Allowing for deployment and withdrawal, this indicates that the additional troops might be required for a period of about two months.

13. The numbers of additional troops required will depend on a variety of factors, including the quantities of weapons, etc., that ONUCA will take over and guard, the extent of the camps of the Nicaraguan resistance in Honduras and the number of assembly points established in Costa Rica and Nicaragua. Not all these details are yet available but the preliminary estimate of the Chief Military Observer of ONUCA is that he will require a lightly armed infantry battalion consisting of at least four rifle companies plus headquarters elements. This is likely to total about 800 men or possibly more, depending on the extent to which it is self-sufficient logistically. ONUCA might also require, on a temporary basis, some specialized logistic personnel. In informal consultations the Government of Venezuela, which already contributes military observers to ONUCA, has agreed in principle to provide such a battalion, if the Security Council approves the recommendations in the present report.

14. It is not yet possible to make an accurate estimate of the additional costs to the Organization without fuller information about the exact number of additional troops required, about the extent to which the unit or units concerned would be self-sufficient logistically and about the sources of additional logistical support that would have to be provided by the United Nations. A rough estimate is that the cost of reinforcing ONUCA with an infantry battalion of 800 men for a period of two months might be in the range of $7 million to $9 million, excluding the costs of helicopter support. The latter are particularly sensitive to the details of the operational plan and the numbers and locations of personnel and equipment to be demobilized; if the helicopters were to be provided by the United Nations, the costs could be very substantial. If the Security Council gives the approval requested in the present report, the necessary financing authorization will be sought as soon as possible from the Advisory Committee on Administrative and Budgetary Questions. As regards implementation of phase IV of the deployment of ONUCA, there will be no additional costs to the Organization, as financial provision has already been made in the existing budget of ONUCA.

15. In this context, I feel obliged to draw to the Security Council's attention the fact that, of the $40.4 million apportioned among Member States for ONUCA by the General Assembly on 7 December 1989, only $5.4 million, or less than

14 per cent of that amount, has so far been received. It will be clear to the members of the Security Council that, if the expanded activities recommended in the present report are to be undertaken by ONUCA, it is essential that all Member States that have not done so pay without delay their assessed contributions with respect to ONUCA.

16. The voluntary demobilization of the Nicaraguan resistance is an essential element in the Central American peace process. Specific provision was made for it in the Tela accord of 7 August 1989 whose objectives were reaffirmed in the Declaration signed by the five Central American Presidents at San Isidro de Coronado on 12 December 1989. In recent days it has become clear that both the present Government and the Government-elect in Nicaragua attach importance to voluntary demobilization as part of the process of transferring power, following the elections in that country. If, as I fervently hope, it proves possible for all the parties concerned to reach early agreement on a plan based on the modalities described in the present report, the United Nations will have to move quickly to deploy the additional personnel and material resources which ONUCA will need to carry out the role envisaged for it. It is for this reason that I am asking the Security Council to approve now, on a contingency basis, this enlargement of ONUCA's mandate and the addition of armed personnel to its strength. This is on the clear understanding that, as already indicated in the present report, the additional troops will not actually be deployed until the necessary political conditions are fulfilled, namely an agreement by all concerned for the voluntary demobilization of the members of the Nicaraguan resistance.